Sec. 35;
Sec. 36, W½NE¼, NW¼, N½SW¼, and NW¼SE¼.
T. 6 S., R. 80 W.,
Sec. 3, lots 5 to 10, inclusive;
Sec. 4, lots 5 to 12, inclusive, and S½N½;
Sec. 5, lots, 5, 6, 11, and 12, and S½NE¼.

The area described aggregates approximately 4,870 acres in Eagle County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of National Forest System lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire July 5, 2009, unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land and Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: February 16, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95–4921 Filed 2–28–95; 8:45 am]

BILLING CODE 4310–JB–P

43–CFR Public Land Order 7118

[CO–932–1430–01; COC–016678; COC–024153]

Revocation of Public Land Order Nos. 1278, 2018, and 2602; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes three public land orders, which withdrew lands for the National Park Service. The lands were later transferred to the Forest Service by special legislation for management, and the National Park Service withdrawals are no longer appropriate. This order affects approximately 9,970 acres of lands within the Arapaho National Recreation Area. The Forest Service has requested this action to allow for better management of the Recreation Area.

EFFECTIVE DATE: March 31, 1995.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7076, 303–239–3706.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Public Land Order Nos. 1278, 2018, and 2602, which withdrew lands for the National Park Service for the Shadow Mountain Recreation Area, are hereby revoked in their entireties.

This revocation will affect lands located in the Arapaho National Recreation Area, Arapaho National Forest, Sixth Principal Meridian, in Tps. 2 and 3 N., Rs. 75 and 76 W.

The areas described aggregate approximately 9,970 acres of land and reserved minerals in Grand County.

2. At 9:00 a.m. on March 31, 1995 the lands described in the public land orders listed in paragraph 1 will be open to such forms of disposition as may by law be made within the Arapaho National Recreation Area.

Dated: February 16, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95–4920 Filed 2–28–95; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No 1; Amdt. 1–266]

Organization and Delegation of Powers and Duties Delegation to the Assistant Secretary for Aviation and International Affairs

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This rule delegates to the Assistant Secretary for Aviation and International Affairs the Secretary of Transportation's authority under the Federal Aviation Administration Authorization Act of 1994, concerning the resolution of airport fee disputes between airport owners or operators and air carriers. The rule is necessary to reflect the delegation in the Code of Federal Regulations.

EFFECTIVE DATE: February 22, 1995.

FOR FURTHER INFORMATION CONTACT: Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement (202) 366–9306, United States Department of Transportation, 400 7th Street SW, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Section 113 of the Federal Aviation Administration Authorization Act of 1994 (Act) pertains to the resolution of airport-air carrier disputes concerning the imposition of airport fees. Procedural regulations under which these disputes are to be resolved and a policy statement regarding airport rates and charges, both required by section 113(b), were published in the **Federal Register** on February 3, 1995 (60 FR 6905–6930).

Section 113(a) of the Act requires the Secretary of Transportation to issue a determination as to whether a fee imposed upon one or more air carriers by the owner or operator of an airport is reasonable if the Secretary receives: (a) a written request for a determination from the owner or operator; or (b) a written complaint from an affected air carrier within 60 days after the carrier receives written notice of the establishment or increase of the fee. Section 113(c) of the Act contains deadlines for certain decisions that the Secretary must make after an air carrier has filed a written complaint. Section 113(d) concerns the payment of fee increases by the complainant to the airport under protest; it also requires an airport to obtain and provide to the Secretary a letter of credit, surety bond, or other suitable credit facility in order to assure the timely repayment, with interest, of amounts in dispute determined not to be reasonable by the Secretary. That section also provides a guarantee of air carrier access to airport facilities pending the Secretary's issuance of a final order. This rule delegates the Secretary's authority under section 113 of the Act to the Assistant Secretary for Aviation and International Affairs.

Since this rule relates to departmental management, organization, procedure, and practice, notice and public comment are unnecessary. For the same reason, good cause exists for not publishing this rule at least 30 days before its effective date, as is ordinarily required by 5 U.S.C. 553(d). Therefore, this rule is effective February 22, 1995.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organizations and functions (Government agencies).

PART 1—[AMENDED]

1. The authority citation for part 1 continues to read as follows:

Authority: 49 U.S.C. 322; Pub. L. 101–552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

2. Section 1.56a is amended by adding a new paragraph (i) to read as follows:

§ 1.56a Delegation to the Assistant Secretary for Aviation and International Affairs.

* * * * *

(i) Carry out the functions of the Secretary pertaining to a determination of whether a fee imposed upon one or more air carriers by the owner or

operator of an airport is reasonable under section 113 of the Federal Aviation Administration Authorization Act of 1994 (August 23, 1994; Pub. L. 103–305; 108 Stat. 1577–1579).

Issued at Washington, DC this 22nd day of February, 1995.

Federico Peña,

Secretary of Transportation.

[FR Doc. 95–4984 Filed 2–28–95; 8:45 am]

BILLING CODE 4910–62–P

Federal Railroad Administration

49 CFR Part 218

[FRA Docket Number RSOR–11, Notice No. 4]

RIN 2130—AA77

Protection of Utility Employees Response to Petitions to Reconsider

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule amendments with request for comments.

SUMMARY: On August 16, 1993, FRA published safety standards for utility employees working as temporary members of train and yard crews. FRA now amends a definition, responds to the concerns raised in petitions to reconsider the final rule, issues an amendment on a subject addressed earlier in this rulemaking, and makes technical corrections. The amendment will permit single-person crews to work within the protections provided for train and yard crews.

DATES: These amendments will become effective May 15, 1995. Comments on the amendments must be received by May 1, 1995.

ADDRESSES: Comments on the amendments should be submitted to the Docket Clerk, Office of Chief Counsel, RCC–30, Federal Railroad Administration, 400 Seventh Street, SW., Room 8201, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: James T. Schultz, Chief, Operating Practices Division, Office of Safety, FRA, RRS–11, Washington, DC 20590 (telephone: 202–366–9252), or Kyle M. Mulhall, Trial Attorney, Office of Chief Counsel, FRA, Washington, DC 20590 (telephone: 202–366–0443).

SUPPLEMENTARY INFORMATION: On August 16, 1993 FRA published a regulation allowing utility crew members to be excluded from the blue signal protection requirements of part 218 while the employee works as a temporary member of a train or yard crew. 58 FR 43287. FRA believed this rule, which provides new protections for utility employees, would allow more efficient use of railroad personnel without compromising the level of safety provided by the pre-amendment regulations.

In response to this regulatory revision, FRA received several petitions for reconsideration of the new rule, including its rationale and specific provisions of its preamble and text.

Basis for the Rule

The preamble to the Final Rule explained the agency's rationale for issuing this regulation. Several petitioners continue to object to the rule, arguing that expanding the original train and yard crew exclusion to cover utility employees will create safety risks because the new rule does not provide adequate protection for temporary crew members.

The petitions FRA received from rail labor question the safety data on which FRA partially relied in this rulemaking. One petitioner cites two specific occurrences in 1987 and anecdotal information regarding similar mishaps involving operating crews that the petitioner argues were preventable had there been no exclusion for train and yard crews. (That exclusion, of course, was in FRA's original rule and directly tracked the statutory provision that required the rule.) FRA does not agree that these limited incidents outweigh the remaining safety data. Our conclusion continues to be that utility employees can function safely without blue signal protection under properly structured Federal regulations and railroad operating rules requiring adequate communication and understanding of the work to be performed. FRA notes that the rule does not prevent railroads from enacting more stringent procedures to address isolated safety problems. The agency continues to believe that according a utility employee the same level of protection historically provided to train and yard crews would not risk the employee's safety. Accordingly, FRA will not withdraw the final rule.

FRA has no evidence on which to conclude that crews are currently experiencing a material risk ascribable to unexpected train movements. FRA believes, however, there may be reason to conduct a future rulemaking on protection for all train and yard crew members, given the issues raised in this rulemaking. Many of the issues raised by participants in this rulemaking were beyond the scope of this proceeding and would be more appropriately addressed in separate agency actions.

Preamble and Text of Final Rule

FRA received petitions from rail labor and management questioning specific portions of the preamble and rule. FRA responds below to each primary objection.

1. *One-Member Crews.* FRA's notice of proposed rulemaking requested comment on the protection needed for a single locomotive engineer performing helper or hostler service. The notice stated:

FRA is also concerned that protection provided for one-person assignments (i.e., hostlers or other unaccompanied engineers) be consistent with safety and efficiency. FRA specifically invites comments on the circumstances under which these engineers acting alone might be permitted to perform functions outside of the area under control of the mechanical forces without complete blue signal protection as provided under §§ 218.25 (main track) or 218.27 (other than main track).

57 FR 41457.

Protecting one-member crews was therefore within the scope of the notice. FRA chose not to address the subject in rule text because no comments were received. In the preamble to the final rule, however, FRA expressed discomfort with one-member crews. It was stated that a lone engineer could not take advantage of the exclusion from blue signal protection unless joined by a utility employee to ensure that the locomotive cab was always occupied. 58 FR 43287.

The Association of American Railroads (AAR) objected to that preamble statement, arguing that the language of the rule did not seem to bar the use of one-person crews. FRA agrees that the rule does not impose such a prohibition on one-member crews. FRA therefore grants this portion of AAR's request.

Although AAR is correct that the utility employee rule did not, on its face, preclude its application to one-member crews, application of utility protection to such crews would not be logical. The utility employee rule presumes the presence of a permanent crew to which the utility crew member becomes temporarily attached for specific purposes. One-person crews either do not join larger crews or do so to perform duties distinct from those assigned a utility employee. FRA remains concerned with the unique risk faced by lone engineers despite the current lack of evidence of a substantial injury record for one-member crews. An